

# Arent Fox

**Jeffrey E. Rummel**

202/715-8479

rummelj@arentfox.com

October 30, 2009

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445-12th Street, S.W.  
Washington, D.C. 20554

**RE: Notice of Ex Parte Presentations**  
**WC Docket 02-60**

Dear Ms. Dortch:

In accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. §1.1206(b), undersigned counsel hereby submits the instant notice of *ex parte* presentations.

On October 29, 2009, undersigned counsel, as well as Cherry Duckett - Director of Government Relations for the University of Arkansas for Medical Sciences (UAMS), Tom S. Butler - Vice Chancellor, Administration & Governmental Affairs for UAMS, and Bruce Thomasson - ATOM Project Manager and UAMS/RHP Director of Hospital Relations, met with the following:

Irene Flannery, Acting Associate Chief, Wireline Competition Bureau (WCB)  
Alexander Minard, Acting Legal Advisor, WCB  
Jennifer McKee, Acting Division Chief, Telecommunications Access Policy Division, WCB  
Ernesto Beckford, Attorney Advisor, Telecommunications Access Policy Division, WCB

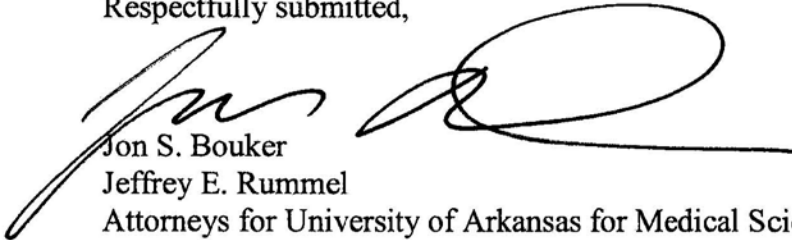
At this meeting, UAM and ATOM (collectively, ATOM) discussed issues relating to the implementation of the Commission's Rural Health Care Pilot Program, and in particular the need for an extension of the June 30, 2010 funding commitment deadline. In addition, ATOM raised issues and suggestions relating to improving communication between USAC and program participants. Finally, confirmations were sought regarding certain oral assurances previously provided by ATOM's pilot program coach.

Finally, ATOM provided the attached summary of issues of concern with respect to the Rural Health Care Pilot Program.

The original and two copies of this letter and the attachment have been filed with the Secretary. In addition, this letter and the attached submission are being electronically filed with the Commission. Finally, courtesy copies are also being delivered to Ms. Flannery, Mr. Minard, Ms. McKee and Mr. Beckford.

Please do not hesitate to contact the undersigned with any questions that may arise with respect to this filing.

Respectfully submitted,



Jon S. Bouker  
Jeffrey E. Rummel  
Attorneys for University of Arkansas for Medical Sciences

### ***Background***

In September 2007, the FCC announced a \$417 million Rural Health Care Pilot Program to enhance rural access to advanced healthcare telecommunications and information services.

Arkansas Telehealth Oversight & Management (ATOM), a consortium of 245 health care sites led by the University of Arkansas for Medical Sciences (UAMS), prepared a single, unified proposal addressing the needs of Arkansas. In November 2007, ATOM secured approval for support through the FCC Rural Health Care Pilot Program. After nearly two years of effort by hundreds of health administrators, Arkansas has yet to receive the approved funding. Arkansas awaits a resolution.

### ***Analysis***

The Universal Services Administration Company (USAC) has created cumbersome, unattainable pre-award procedures that have obstructed approved projects to launch. Because of these shortcomings, only 1.4% of total nationwide funding had been dispersed by mid-September 2009.

Currently, approved funding must be expended by June 30, 2010 or lost. Alongside the vast majority of other states, Arkansas stands to lose this essential opportunity that could create an infrastructure for health information management and healthcare delivery linking 245 healthcare sites.

As evidenced through Arkansas' and other state's observations, administration of the Rural Health Care Pilot Program has been hampered by:

- Lack of written procedures
- Continually evolving details
- Lengthy review cycles
- Undocumented verbal policy dictates
- Program administration by multiple levels of federal sub-contractors

### ***Recommendations***

- Extend deadlines for all approved pilot projects as identified in November 2007
- Provide written documentation of all policies and conference calls
- Provide an illustrated flow diagram describing the development cycle for required forms and plans
- Formulate a tracking system to confirm the receipt and stage of review for submitted plans
- Distribute a list of program recipients and contact information
- Modify restrictions to accept in-kind match
- Modify restrictions to accept self-provision of services
- Modify restrictions to allow project management expenses
- Modify restrictions to allow network management expenses